
ONEIDA SPECIAL SCHOOL DISTRICT

ALCOHOL, TOBACCO AND DRUG USE POLICY (Known As The “STAND” Program)

- PREAMBLES AND PURPOSES -

UPON careful thought, consideration and concern for the health and welfare of students in the public school system, to maintain a conducive learning environment, safeguard the school experience, upon review of the national and local empirical data indicating the alarming number of students in the middle and high school ages who are exposed to, experimenting with or using tobacco, alcohol and drugs, the frightening level of illegal drug activities and flow of drugs into and within our own local communities in Scott County, information and strong anecdotal evidence from the Juvenile Court reporting a dramatic rise in the use of tobacco, alcohol and drugs among students in the Oneida Special School System, recognizing that the ever- increasing presence of drug use among students and within the public schools poses a significant threat to the school’s educational serenity, in order to contribute to a drug free community and to a safer and more productive future for our students, to prepare students for the drug testing they will likely encounter as adults in their future workplace, and considering that schools stand in loco parent’s as guardians and tutors of students entrusted to their care, and recognizing the compelling need to deter students from using drugs, the Board hereby adopts and implements this Alcohol, Tobacco and Drug Policy (the “Policy”), with this Policy establishing a program which, among other approaches, employs the drug testing of students and campus searches which the Board views, among other approaches, as essential tools necessary to detect, deter and to intercede early to identify, assist, educate and counsel students who are experimenting with or regularly using tobacco, drugs or alcohol and to do so before they become physiologically or psychologically addicted, or irreparably damage their quality of life and their health, always striving to balance these concerns with drug testing methods and protocols that respect students’ fundamental interest in privacy while maintaining the integrity of the drug testing procedures, **WHEREAS**, it being the purpose and commitment of the Board that the drug program created by this Policy never become a “gotcha” program based upon catching, embarrassing and punishing students, but rather, this Policy is hereby established first and foremost, to be an anti-tobacco, anti-alcohol and anti-drug program that encourages, recruits and coordinates the involvement of parents, teachers, school administration, counselors and the community as a whole, with its paramount focus on providing support, education and counseling for students confidentially identified with drug use, and with its primary message to the students being one to encourage them to abstain and be free from tobacco, alcohol and drugs because it is a healthy, honorable and productive lifestyle, Now therefore this Policy is established for these purposes and reasons, creating a program to be known as the STAND (“Schools Together Allowing No Drugs”), this program reflecting the unprecedented cooperation of two separate school districts

in Scott County in a joint and mutual effort to protect their students from the destructive and dangerous use of tobacco, alcohol and drugs, the health and welfare of the students demanding it.

- **POLICY PROVISIONS ADDRESSING DRUG TESTING AND COUNSELING** -

INTRODUCTORY AND GENERAL MATTERS

The Board's plan for dealing with tobacco, alcohol and drugs shall, among other things, include the following:

1. Appropriate ways for handling alcohol and drug related medical emergencies.
2. Guidelines for reporting tobacco, alcohol and drug incidents, and for dealing with illegal student activities connected with tobacco alcohol and drugs, and methods for curbing drug, alcohol and tobacco use in a non-punitive manner.
3. Effective working relationships with appropriate community agencies, including but not limited to alcohol/drug counseling service providers, law enforcement agencies and judicial officials.
4. Drug and/or alcohol testing of students.
5. Provide on campus drug education and/or counseling for appropriate students.

Through the use of state guidelines, and pursuant to the enabling provisions of this Policy, the director of schools shall be responsible for:

1. Developing and implementing an appropriate curriculum on tobacco, alcohol and drug education for students;
2. Providing adequate information and training for all staff personnel as appropriate to their responsibilities.
3. Implementing the relevant portions of the "Drug-Free Youth Act" (as established by law) by:
 - a. Informing all students in grades (6) through twelve (12) of its provisions.
 - b. Including the teaching of the components of the law in the regular pre-school year in-service training for teachers and principals; and
4. Developing administrative rules and guidelines for the school system to effectively respond to tobacco, alcohol and drug situations that may occur at school or school-sponsored events.
5. Appoint a Drug Commissioner and to define his/her job description (including the right of the director of schools to appoint multiple drug commissioner(s), or assistant drug commissioner(s), all of whom, if appointed, would have the authorities vested in the position singularly referenced in this Policy as "drug commissioner", under such hierarchy of position, scope of authority and control as the director of schools may require).
6. The establishment of an Appeals and Grievance Hearing Authority (AGHA) to conduct hearings for students (and/or their parents or legal guardians) who (a)

- have tested positive for alcohol or drugs and want review or reconsideration of their drug test, or a program procedure or protocol, and/or (b) have not tested positive for drugs or alcohol but desire to present a complaint, grievance or recommendations to the AGHA panel.
7. Designating a drug testing area, appropriate for the private, discreet and effective drug testing of students.
 8. Designating (a) private office space for the program director of STAND, that can be locked down and secured from the access of others, and (b) a records storage area, that can be maintained under secure arrangements and controlled access, for purposes of filing and storing of confidential records connected with the STAND program, including without limitation tests specimens, individual counseling files maintained on students in drug counseling, positive test results and related files connected with drug testing, computer software and systems information, and all other program data, information and materials.
 9. Arrange for drug testing consent forms (in formats approved by the director of schools, as necessary from time to time), to be sent or provided to parents encouraging them to permit the drug testing of their children while at school under the auspices of the Policy, including both students that are, and students that are not, participating in “special activities and privileges” as subsequently defined herein.

GRADE LEVELS BROUGHT UNDER THE DRUG TESTING COMPONENT OF THE STAND PROGRAM

The program created by this Policy involving, among other things, mandatory and random drug testing, will be implemented and applied to grades 6 (middle School) through 12 (Seniors), with the exception that the “Search Of Lockers And Motor Vehicles”, “Use Of Animals For School Searches”, and the “suspicion-based” drug testing and provisions of this Policy, as hereinafter set forth, shall apply to all students attending and enrolled in the Oneida Special School District and Scott County School System.

DEFINITIONS OF CERTAIN TERMS USED IN THIS POLICY

1. **Mandatory testing.** Mandatory drug testing is one-time (that is, “one-time” for each separate “special activities and privileges” participated in), compulsory and pre-eligibility drug testing, conducted at announced and various times during the school year and required either before (or as soon as practicable after) the student’s enrollment or participation in “special activities and privileges”, as hereinafter defined in this Policy. A student will be required to submit to multiple mandatory drug tests during any one school year if they participate in multiple “special activities and privileges” occurring in a single school year. At the discretion and determination of the drug commissioner, any student who is contemporaneously entering and beginning participation in two or more “special activities and privileges” within one school year (i.e., a student contemporaneously beginning participation in soccer, parking permit and Beta club), may be required to submit to only one mandatory, pre-eligibility drug test at that time, otherwise one-time, pre-eligibility drug testing will be required prior to any student enrolling or participating in each separate "special activities and privileges" occurring during any one school

year. Also, mandatory testing will be required on an individual and repeated basis of students who test positive for drugs, at the discretion of the drug educator and/or counselor or the drug commissioner, to be conducted throughout the duration of the drug education and/or counseling period, and the remaining school year.

2. **Random testing.** The selection of students for suspicionless drug testing on a daily and/or other time intervals, by a purely random, unannounced and anonymous method of selection, where names and/or identifying number of participating students (which will be comprised of (a) students, through parental or legal guardian consent, who are enrolled or participating in “special activities and privileges” and (b) students not participating in “special activities and privileges” but whose parents or legal guardians have given written consent to drug testing) have been placed in and are randomly selected out of a “pool” of all other students in the school who are subject to drug testing under this Policy. Any student who is not enrolled or participating in any “special activities and privileges” shall not be subject to random drug testing, without the written consent of his/her parents or legal guardians.

3. **Special Activities and Privileges.** “special activities and privileges”, for the purposes of this Policy, shall include athletics, cheerleading, clubs, the privilege of participating in proms, senior trips and other special school trips, the privilege of parking a motor vehicle on school grounds, and other activities and privileges provided or made available to students by the school which are both (1) voluntarily participated in by the student, and (2) involve no grade or credit upon the student’s official school transcript. No sport, club, trip or other extracurricular activity shall be classified as “special activities and privileges”, unless it is both voluntarily participated in by the student and a non-academic credit activity.

4. **Drugs.** “Drugs” as referenced and used in this Policy, shall include alcohol, and all types of unlawfully held or used prescription drugs and controlled substances, including without limitation controlled substances as they are defined and designated as Schedules I, II, III, IV, V, Vi, and VII in the Tennessee Drug Control Act (see Tennessee Code Annotated (39-17-401 et seq., as amended from time to time), narcotic drugs, hallucinogenic drugs, amphetamines, barbiturates, opiates, marijuana, malt beverages, fortified wines or other intoxicating liquor, counterfeit drugs and substances, drug paraphernalia of every type, or any other chemicals or products typically used with the intention of bringing about a state of exhilaration or euphoria, or otherwise altering the student’s mood or behavior. Counterfeit drugs include, without limitation, those described and designated in the Tennessee Drug Control Act (see Tennessee Code Annotated { 39-17-402(5), as amended from time to time), and any other substance represented to be or substantially similar in color, shape, size or markings to controlled substance or any of the “drugs” described and defined in this provision.

5. **Drug testing.** “Drug testing” as referred and used in this Policy, shall include all recognized testing methods as may be selected by the school and approved by the director of schools including without limitation urinalysis and breathalyzer, implemented to detect the existence of any of the “drugs” as defined in Provision 4 immediately above. The school will follow strict procedures and protocols regarding chain of custody of test specimens, and the access to test results. “Split testing” involving the obtaining of a secondary specimen vial may be implemented by the drug commissioner, for later re-testing of the specimen. Students who

show the presence of prescription medications on their lab report, at the request of the drug commissioner (or his/her designee), the director of technician services of the student's drug educator and/or counselor, must produce a lawful prescription for such medications indicated in the lab report or produce a letter from the prescribing physician verifying the student's lawful use of the medication, failure of the student to produce such prescription or physician's letter, will be deemed a "positive" test result.

6. **Drug education and/or counseling.** "Drug education and/or counseling" as referenced and used in this Policy, may include without limitation, individual drug assessments made upon the student, individual and/or group education sessions, individual counseling for the student and/or group counseling for the student conducted and in the presence of other students receiving such drug counseling and education, and such other recognized education and/or counseling methods and techniques as the program director, the drug education and/or counselor or drug commissioner may implement or require from time to time. No student shall have a guaranteed, assured or vested right to participate in drug education and/or counseling provided by the school, if in the sole discretion and determination of the director of schools or drug commissioner, such student is inappropriate for such counseling, taking into consideration the mental and/or physical health of the student, the safety and well-being of other students that may be participating in group counseling with said student, adverse impact on the learning or counseling environment that might be caused by a student, adverse impact on the learning or counseling environment that might be caused by a student or other compelling reasons. Furthermore, the school shall not be responsible for, nor have any duty or obligation whatsoever, to make assessments and/or referrals for any students (whether they are participating in, may potentially participate in, or otherwise be eligible for the drug education and/or counseling offered within this program) to any other third-party providers or services outside of the internal school program, although it may choose to do so, nor shall the school be responsible for, or have any obligation whatsoever, to pay for any such referral providers or services.

MANDATORY (PRE-ELIGIBILITY) AND RANDOM TESTING FOR STUDENTS ENGAGED IN "SPECIAL ACTIVITIES AND PRIVILEGES"

Prior to being enrolled in or participating in special activities and privileges, students shall be required to provide to the school a consent form (in a form approved by the director of schools) properly signed by parents or legal guardians, with the original and/or copy being maintained in the student's official school records and STAND program records, expressly authorizing "mandatory" and "random" drug testing of the student (as defined in this Policy). No student shall be allowed to enroll or participate in special activities without written consent of his/her parents or legal guardians. All students enrolled or participating in special activities and privileges shall be subject to "mandatory" and "random" drug testing as defined in this Policy. The revocation of this consent form by parents or legal guardians shall require the immediate removal of the student from special activities and privileges to which said parents or legal guardians had previously consented. Reinstatement or re-entry of a student into special activities and privileges (after previously submitting a revocation of consent) shall require that student to submit to mandatory, pre-eligibility drug testing. Proper revocation of a consent form by parents or legal guardians requires said revocation to be made in writing, signed by parents or legal guardians, and hand delivered by a parent or legal guardian (not the student) in person to the

drug commissioner, or the student's principal, or the student's assistant principal. An original and/or copy of the renovation of consent, will also be maintained in the student's official school records and STAND program records. Revocation forms signed and hand delivered by parents or legal guardians shall not be effective or valid unless they contain language approved by the drug commissioner.

RANDOM DRUG TESTING FOR STUDENTS NOT ENGAGED IN "SPECIAL ACTIVITIES AND PRIVILEGES"

Parents or legal guardians of students not enrolled or participating in special activities and privileges, who desire and approve of their child being subject to random drug testing, must properly sign a consent form (in a form approved by the director of schools), with the original and/or a copy being maintained in the student's official school records and STAND program records. A participant in this part of the program shall be subject to random drug testing, until such consent is revoked in a signed writing by the parents or legal guardians, and is hand delivered by a parent or guardian (not the student) in person to the drug commissioner, or the student's principal, or the student's assistant principal. Revocation forms signed and hand delivered by parents or legal guardians shall be effective or valid unless they contain language approved by the drug commissioner.

SUSPICION-BASED DRUG TESTING FOR ALL STUDENTS

Any student may be required to submit to a drug testing if any one or more of the following conditions are found to exist:

1. Observed use, possession or sale of drugs and/or use, possession, sale of abuse of alcohol and/or prescription drugs.
2. Violation of criminal statutes involving the use of drugs, alcohol or prescription drugs and/or violation of drug statutes.
3. Any other facts or circumstances to which a reasonable person would indicate a basis of probability that the student is using or possessing drugs.

All information, facts and circumstances leading to and supporting the suspicion should be included in a written report detailing the basis for this suspicion. If the drug commissioner (or his/her designee), the principal the STAND drug educator and/or counselor, or trained school personnel conclude that a reasonable suspicion of drug use or possession exists with respect to a student under this Policy, the student will be required to submit to a drug testing, and the parents or legal guardians of the student will be notified of this drug testing event, the reasons leading to it, and the lab results connected therewith.

CONSEQUENCES FOR STUDENTS WHO TEST POSTIVE

If a student, under any of the mandatory random or suspicion-based testing procedures established above, tests positive for drugs, the following shall be required of the student:

FIRST POSITIVE TEST

1. Meeting with the drug commissioner (or his/her designee), and parents or legal guardians; and
2. Successful completion of drug education and/or counseling, to be held on the school campus where the student attends school, and conducted by a school-approved drug education and/or counselor, on a schedule and for the duration of time to be determined by the drug commissioner; and
3. Mandatory drug testing, to be conducted on an individual and repeated basis at the discretion of the drug education and/or counselor (or drug commissioner) throughout the duration of the drug education and/or counseling period, and the remaining school year.
4. Loss of school ground and school-sponsored activity parking privileges (if applicable to the subject student) for a period of twenty (20) consecutive school days. **(Propose to eliminate this item)**
5. **The student and a parent or legal guardian will attend a drug/alcohol educational session to be determined by the drug commissioner or his/her designee.**
6. **Any student testing non-negative that concurrently participates in a school sponsored extracurricular activity MAY be required to submit a negative test result performed by a medical doctor or healthcare facility of their choosing before returning to active participation.**

SECOND POSITIVE TEST

1. Meeting with the drug commissioner (or his/her designee), and parents or legal guardians, and
2. Successful completion of drug education and/or counseling, to be held on the school campus where the student attends school, and conducted by a school-approved drug educator and/or counselor, on a schedule and for the duration of time to be determined by the drug commissioner; and
3. Mandatory drug testing, to be conducted on an individual selection and repeated basis at the discretion of the drug education and/or counselor (or drug commissioner) throughout the duration of the drug education and/or counseling period, and the remaining school year; and
4. Ten (10) calendar day suspension from participation in all special activities and privileges, with the suspension to run specifically from the date of the oral notification from the director of technician services, or the drug commissioner (or their designee) to a parent or legal guardian that the student has tested positive for alcohol or drugs.
5. **Any student testing non-negative that concurrently participates in a school sponsored extracurricular activity MAY be required to submit a negative test result**

performed by a medical doctor or healthcare facility of their choosing before returning to active participation.

THIRD POSITIVE TEST

1. Meeting with the drug commissioner (or his/her designee), and parents or legal guardians; and
2. Successful completion of drug education and/or counseling, to be held on the school campus where the student attends school, and conducted by a school-approved drug educator and/or counselor, on a schedule and for the duration of time determined by the drug commissioner; and
3. Mandatory drug testing, to be conducted on an individual selection and repeated basis at the discretion of the drug education and/or counselor (or drug commissioner) throughout the duration of the drug education and/or counseling period, and the remaining school year; and
4. Twenty (20) calendar day suspension from participation in all special activities and privileges, with the suspension to run specifically from the date of the oral notification from the director of technician services, the drug commissioner (or their designee) to a parent or legal guardian that the student has tested positive for alcohol or drugs.
5. **Any student testing non-negative that concurrently participates in a school sponsored extracurricular activity MAY be required to submit a negative test result performed by a medical doctor or healthcare facility of their choosing before returning to active participation.**

FOURTH AND ADDITIONAL POSITIVE TESTS

1. Meeting with the drug commissioner (or his/her designee), and parents or legal guardians; and
2. Successful completion of drug education and/or counseling, to be held on the school campus where the student attends school, and conducted by a school-approved drug educator and/or counselor, on a schedule and for the duration of time determined by the drug commissioner; and
3. Mandatory drug testing, to be conducted on an individual selection and repeated basis at the discretion of the drug education and/or counselor (or drug commissioner) throughout the duration of the drug education and/or counseling period, and the remaining school year; and
4. Forty-five (45) calendar day suspension from participation in all special activities and privileges, with the suspension to run specifically from the date of the oral notification

from the director of technician services, the drug commissioner (or their designee) to a parent or legal guardian that the student has tested positive for alcohol or drugs.

5. **Any student testing non-negative that concurrently participates in a school sponsored extracurricular activity MAY be required to submit a negative test result performed by a medical doctor or healthcare facility of their choosing before returning to active participation.**

References in this action and Policy to the “First Positive Test”, “Second Positive Test”, etc. as it establishes consequences for a student following positive drug testing, shall mean and be the cumulative consideration at both the Oneida School District and Scott County School System, and the carry-over from year to year, of such multiple positive drug tests over the course of the student’s entire school career (i.e., grades 9-12): that is, a student at Oneida High School who tests positive his/her junior year, later transfers school, and then at Scott High School tests positive his/her junior year, is facing the established consequences from a “Second Positive Test”.

REFUSAL TO SUBMIT TO A DRUG TEST, DRUG COUNSELING OR OTHER PROGRAM REQUIREMENTS

In the event a student fails or refuses to: (1) submit to a drug test, by promptly and directly reporting to the designated drug testing area when selected and summoned, or otherwise fully cooperate to follow instructions or protocols required of the student in the drug-testing process; (2) successfully complete assigned drug education and/or counseling; and/or (3) otherwise comply with the established procedures, requirements and protocols established in or enabled by this Policy, then the student may, at the discretion and determination of the drug commissioner,

- (a). be suspended from school for a period of three (3) days and/or suspended from all special activities and privileges for the remainder of the school year **and/or**
- (b) be subject to a juvenile court petition.**

Any student who again refuses to immediately comply with this Policy following a suspension and return to school, or uses or substitutes another person’s urine for their own drug test, or by any means or in any manner adulterates, dilutes or otherwise tampers with their urine specimen to alter or mask results, or attempts any of the foregoing, may at the discretion and determination of the drug commissioner,

- (a) be suspended from school for a period of three (3) days and/or suspended from all special activities and privileges for the remainder of the school year **and/or**
- (b) be subject to a juvenile court petition.**

Multiple school suspensions and/or suspensions from all special activities and privileges for the remaining school year may, at the discretion and determination of the drug commissioner, be imposed for multiple incidents of these above-described violations. Multiple school suspensions may cause the student to be expelled from school. The director of schools shall have the full and final authority to modify these suspension or expulsion penalties, on a case-by-case basis.

NO LOSS OF “SPECIAL ACTIVITIES AND PRIVILEGES” FOR STUDENTS WHO VOLUNTARILY REQUEST ASSISTANCE BEFORE SELECTED FOR DRUG TESTING

A student who voluntarily admits to drug and/or alcohol use and, in person and expressly, requests assistance from the drug commissioner or his/her principal or assistant principal, before being selected (mandatory, random or suspicion-based) to be drug tested, or students who expressly request such assistance before an imminent threat of being identified as a drug and/or alcohol user or possessor, will not lose school ground or school activity parking privileges, and will not be declared ineligible for or suspended from special activities and privileges, so long as said student does the following:

1. Meet with the drug commissioner (or his/her designee), and parents or legal guardians.
2. Successfully completes drug education and/or counseling, to be held on the school campus of the subject student and conducted by a school-approved educator and/or counselor, on a schedule and for duration of time to be determined by the drug commissioner.
3. Mandatory drug testing on an individual and repeated basis throughout the duration of the drug education and/or counseling period, and the remaining school year, at the discretion of the drug educator and/or counselor or drug commissioner.

The opportunity for students to avoid the loss of special activities and privileges by voluntary admission of drug use and entrance into drug education and/or counseling, as afforded by this provision, shall be available only for a “first positive test” and “second positive test” occurrences; that is, only two times during the student’s entire tenure (grades 9-12) in the Oneida Special School district and Scott County School system, as the case may be, will a student have the opportunity to voluntarily come forward on his/her own to acknowledge drug use before being selected for drug testing and do so without special activities and privileges. Thereafter, it shall be in the sole discretion of the drug commissioner, as to whether a student’s voluntary admission of drug use will involve the loss of special activities and privileges, which is a decision of the drug commissioner which is appealable to the AGHA (this specific type of appeal to the AGHA must be made within **seven (7) successive calendar days** immediately following the date of oral notification from the drug commissioner (or his/her designee) to the parents or legal guardians of the student, that the student’s voluntary admission and request for non-forfeiture of special activities and privileges, in circumstances of “Third Positive Test” or more, has been refused or rejected).

APPEALS AND GRIEVANCE HEARING AUTHORITY (AGHA)

The Appeals and Grievance Hearing Authority, hereinafter known as “AGHA”, which shall be a twelve (12) person panel singularly serving both the Oneida Special School District and Scott County School system, shall consist of the following members:

1. A total of (9) adult citizens residing in Scott County, Tennessee not employed (nor their spouses) by any school system in Scott County and to be selected as follows: (a) one (1) by the Mayor of the Town of Winfield, said person to reside within the incorporated city limits; (b) one (1) by the Mayor of the Town of Oneida, said person to reside within the incorporated city limits; (c) one (1) by the Mayor of the Town of Huntsville, said person to reside within the incorporated city limits, (d) six (6) by the County Executive of Scott County, Tennessee, to be selected from persons residing in geographical areas outside of the incorporated city limits of the three municipalities listed above. These adult (i.e., non-student) AGHA panel members shall initially serve one (1) year terms, running from July 1 through June 30th, and shall be able to continue to serve on the AGHA panel thereafter for a period of time at the sole discretion of the executive office that is, as specified above, authorized to select them.
2. A total of three (3) student representatives, comprised of the student government president from both the Oneida Special School District and from the Scott County School System, plus one (1) high school student to be selected by the director of schools from each school system on a rotating basis for each school year (i.e., one school year from the Oneida Special School District, and the next school year from the Scott County School system). Student AGHA panel members shall serve from the beginning of their school year (that they are in office) through the following June 30th.

The chairperson of the AGHA shall be an adult member selected by the members of the AGHA panel, and shall, among other things, perform the following duties; (a) arrange for the preparation and dissemination of the minutes, rulings and results of each hearing; (b) set the time, place and date of each hearing; (c) notify the AGHA panel and other appropriate persons according to the prevailing agenda of each hearing; (d) sign a copy of the minutes and the rulings or results of each hearing; (e) arrange for the AGHA appeal ruling to be placed in writing and provided to the parents or legal guardians of the appealing student; and (f) arrange for complaints, grievances or recommendations presented to it by any students and/or parents or legal guardians, as within the discretion of the AGHA panel, to be communicated to the drug commissioner and director of schools for that student’s school. The chairperson shall have the full authority to designate an adult chairperson pro tem off of the AGHA panel for AGHA meeting(s), or other official business in his/her absence. The director of schools, drug commissioner, principal of the subject student, director of technician services, program director, and assistants or designees of the forenamed persons, and all drug testing technicians and observers, and other staff of the STAND program, shall have the standing obligation to appear and be heard as a consultant, advisor or witness in any AGHA hearing, and shall, if they have relevant or helpful testimony or information (as determined in the sole discretion of the AGHA chairperson), be required to appear as a consultant or witness if summoned by the chairperson, or by any student (or his/her parents or legal guardians) appearing before the AGHA.

The AGHA panel is comprised of non-school, private citizens, in order to provide students the option of a meaningful appeal before an independent and neutral panel that is unconnected with the school system, comprised of student members sensitive to students' points of view and adult members representing a geographical diversity of Scott County citizens. However, these AGHA members do not, as non-school persons, and under the Family Educational Rights and Privacy Act ("FERPA") and other applicable law, have the right to access or see the student's private school information being presented at the appeal hearing . Thus, any student exercising the option to appeal to the AGHA must, as a pre-condition to appeal, consent in writing (along with the signature of his/her parents or legal guardians) to the disclose of the student's private school information, expressly waiving the student's rights under the Family Educational Rights and Privacy Act ("FERPA") and allowing the AGHA panel to see, hear and review the student's private and protected school information being presented by the student (or his/her parents or legal guardians) and presented by the school in reply, opposition or explanation to the case presented by the student. Also, if a student (or his/her parents or legal guardians) appealing to the AGHA so desires, the appealing student has the automatic right and option of requesting in writing that the three student AGHA members be removed from the student's case, however under such AGHA student member removal, the AGHA quorum, shall remain unchanged, thereby requiring a minimum of seven of the remaining nine panel members to be present and vote for or against an action.

All members of the AGHA panel shall be required to execute an oath of confidentiality, regarding the information and testimony made available to them in the appeals process.

For (1) any student (or parents or legal guardians of a student in this situation) who tests positive for drugs or alcohol and wishes to appeal, challenge the accuracy or validity of, or otherwise contest his/her positive drug results, or any other drug testing procedure or protocol, or (2) any student (or parents or legal guardians of a student in this situation) who has not tested positive for drugs or alcohol but wishes to present a complaint, grievance or recommendation to the AGHA panel regarding drug protocols, drug education and/or counseling, or any other issues or matters connected with the STAND program, shall have the automatic and guaranteed right to appear before and be heard by the AGHA, upon said student (or a parent or legal guardian) delivering a written request personally to the drug commissioner, or his/her principal, or his/her assistant principal (whomever of these the student chooses), within either (a) **seven (7) successive calendar days** immediately following the date of oral notification from the director of technician services (or his/her designee) to the parents or legal guardians of the student's positive drug test results, this being an appeal deadline only in those cases where the validity of a drug test or other aspects of drug testing procedures is (are) being challenged or contested, or (b) **at any time** for those not testing positive or challenging the validity of a drug test or other aspects of drug testing procedures, but who wish to present a complaint, grievance or recommendation to the AGHA. The AGHA shall (1) convene a hearing no later than twenty (20) days following the date an appeal or complaint, grievance or recommendation is timely and properly submitted by the student (or by his/her parents or legal guardians), and (2) render its decision, and/or submit its reports or recommendations to the director of schools, as the case may be, no later than ten (10) days immediately following the date of the subject hearing; provided, however, the director of schools may in his/her discretion grant the AGHA an extension of time

for hearing and/or disposition of a particular case, upon written request of the AGHA chairman and reasonable grounds for the same. Appeals timely and properly made to the AGHA, challenging or contesting the validity of a student's positive drug test, shall toll and suspend the imposition of established consequences (i.e., drug education and/or counseling sessions, suspension from special activities and privileges, etc.) until a final ruling is made and is issued in writing by the AGHA. Appeals of drug tests or drug testing procedures made to the AGHA coming under the 7-day deadline rule, not properly and timely made, shall not be considered or reviewed by the AGHA.

The AGHA shall take no action without a "quorum" (as specifically and Subsequently defined herein) being present and voting for or against an action. There shall be no voting by proxy or in absentia, by AGHA members. A majority of the members of the 12-person AGHA panel (i.e., 7 panel members) being present at the meeting shall constitute an official quorum, and no AGHA action of any kind shall pass without an official quorum of the AGHA panel being present at the meeting and voting for or against the action. In the case of a tie vote, the chairperson of the AGHA panel may cast an additional and tie-breaking vote to constitute a majority vote. The AGHA shall establish its own internal parliamentary and hearing procedures, and elect such officers and make such appointments that, from time to time, it deems necessary. The AGHA shall be empowered and have the authority to take any one or more of the following actions(s).

1. Vacate, set aside and/or expunge the finding of a student's positive drug test results, or
2. Affirm the finding of a student's positive drug test results; or
3. Order the re-testing of a student for drug testing in the case of a challenged or contested drug test, or
4. Accept or reject, for purposes of this program, the finding of a student's "secondary" drug test results, privately obtained at the student's own choice, cost and selected provider (as "secondary testing" is defined in the next following provision of this Policy); or
5. To take no action whatsoever, thereby recognizing or affirming the status quo.
6. In cases where students (or their parents or legal guardians) have presented complaints, grievances and/or recommendations to the AGHA Panel, if the AGHA panel in its final and conclusive discretion and determination, finds that such complaints, grievances and/or recommendations presented to it meet the three-prong criteria of being (a) reasonable, (b) credible, and (c) non-frivolous, then the AGHA panel shall in writing, relate such complaints, grievances and/ or recommendations presented to it along with any AGHA commentary, requests or recommendations of its own (as it may elect to include, such as recommendations regarding procedural safeguards for students, etc.), directly to the director of schools (with a copy to the drug commissioner), for such action or non-action as the director of schools may, in his or her discretion, deems appropriate.

All determinations and decisions of the AGHA for subject matters addressed in Item Nos. 1,2,3,4 and 5 listed above in this section, are final, binding and conclusive. The requests, recommendations and commentary of the AGHA, for subject matters addressed in Items No 6 listed above in this section, are strictly advisory, and shall have no binding authority upon the director of Schools, or otherwise amend, alter or modify this Policy.

RIGHT OF STUDENTS TO OBTAIN SECONDARY DRUG TESTING

All students have the right, at their own choice and cost, to obtain drug testing from a private provider of their own selection (hereafter referred to as the “secondary testing”), and may submit the lab results of their secondary testing to the drug commissioner to be considered in place of the drug test initially performed under this Policy. Provided, however, secondary testing will be considered only upon the pre-condition that the student be first tested under the school’s drug testing program, and the urinalysis (or other recognized drug testing method obtained by the student) for secondary testing specimen must be physically collected and submitted to the secondary provider no later than **seventy-two (72) hours** (unless the drug commissioner, upon reasonable grounds and his/her sole discretion, grants in writing a specific amount of additional time to the student for secondary testing) following the date and time of the student’s notification from the director of technician services (or his/her designee) to a parent or legal guardian of the student’s drug testing results obtained by the school, although the lab report derived from the secondary testing will be due physically delivered by the student (or a student’s parent or legal guardian) personally to the drug commissioner, or his/her principal or assistant principal (whomever of these the student chooses), no later than ten(10) days following the date of specimen collection for the secondary testing. The drug commissioner shall have the discretion and authority, upon reasonable and credible grounds, to review the lab results of secondary testing, and consider or substitute the secondary testing results, as privately obtained by the student in conjunction with or in place of the initial drug testing performed by the school (thereby voiding the school-administered drug test), without the requirement of the student appealing to the AGHA. Any determinations made under the discretion of the drug commissioner, under the auspices of this provision, may be appealed by the student to the AGHA. If the drug commissioner implements “split testing” which involves the collection of two specimens at the time of the school drug tests, the school may exercise the right to have the secondary specimen submitted to a different laboratory to be compared or considered with the secondary testing specimen obtained by this student.

MAINTENANCE AND USE OF DRUG TESTING RECORDS AND RESULTS

Each school will be allowed to indefinitely maintain and use the anonymous records and data of the number of drug tests performed, the circumstances under which the student is being tested (mandatory, random, suspicion-based, etc.), the number of positive or negative drug testing results, ages of students tested, anonymous socioeconomic and geographic background of the tested students, and all other types of anonymous statistical, empirical and survey data, for use in data compilations, studies and/or surveys, for use in grant and funding requests, and for other reasonable uses that may or may not place said data in the public domain, all in furtherance of pursuing the success, improvement and monitoring of the program. Student’s names shall not under any circumstances, appear in these records, which shall forever remain strictly anonymous.

Further, the school shall be expressly authorized to maintain and use records, and create individual files, in the individual names of each student who test positive for drugs and/or who participates in drug education and/ or counseling, or referral services deriving there from. Provided, however, such records maintained in and connected with the student's individual name (a) shall be preserved and stored under secure arrangements with controlled access; (b) shall not be available to or accessible by any schools or educational institutions, except or its availability in the case of student transfers, on a strictly confidential and "need to know" basis, between the two schools jointly and cooperatively participating in the STAND program, being the Oneida Special School District and Scott County School System officials and their respective STAND staff, ad hereinafter specifically designated; (c) shall not be available to or accessible by any other persons, organizations, law enforcement agencies or entities; (d) shall be unconditionally available to and accessible by, on a **strictly confidential basis**, the (1) director of schools, (2) drug commissioner, (3) principal or assistant principal of the subject student, (4) program director for the STAND program, (5) director of technician services for the STAND program, (6) drug education and/or counselor person for the STAND program working with the subject student, (7) parents or legal guardians of the subject student, (8) the AGHA panel (only if a student chooses to appeal their positive test result or the testing procedure and expressly consents in writing to disclose of their private test result or the testing procedure and expressly consents in writing to disclose of their private school information being presented at appeal and presented by the school, and then, only to the extent that the AGHA chairman, acting in consult with the drug commissioner, determines the presentation or revealing to the AGHA of confidential program information about the student is necessary and relevant for thoughtful deliberate and responsible disposition of the student's appeal), and Medical Review officer, (e) shall never, under any circumstances, be made a part of or kept with the student's permanent or official school records (with the exception of consent forms which shall, either in original or duplicate, be maintained in the student's official school records and the STAND program records); (f) shall be freely available to and transferable, under the same confidentiality protections established under these policies, between the two schools jointly and cooperatively participating in the STAND program being the Oneida Special School District and Scott County School System; and (g) shall (with the exception of anonymous statistical or socioeconomic data derived therefrom) be permanently and completely destroyed, no later than forty-five (45) days immediately following the subject student's graduation from high school or the student's permanent expulsion, removal or other departure from the Oneida special School District and the Scott County School Systems.

ESTABLISHMENT OF ADDITIONAL SPECIFIC PROTOCOLS FOR DRUG TESTING AND THE MAINTENANCE AND DESTRUCTION OF DRUG TESTING AND COUNSELING RECORDS

The specific procedures and protocols for the drug testing of students, and for the maintenance, use and destruction of records kept under the individual names of students who test positive for drugs (and all other program records) and their respective participation in drug education and/or counseling, to the extent they shall not conflict with or supercede procedures and protocols established in this Policy, shall be established and approved by the director of schools, all in accordance with the expressed terms, purposes and spirit of this Policy, and in accordance with the mission statement established for this Policy.

TOBACCO VIOLATIONS

As a preamble to this section, the Board recognizes and is concerned that tobacco use often opens the gate to drugs and substance abuse, and that for many drug users, tobacco comes first. Accordingly, the Board implements drug education and/or counseling under this program that will specifically include education about the dangers of tobacco use and assistance for students in abstaining from its use. Therefore, for any student who uses, distributes or possesses tobacco products on school property, in addition to other established school sanctions and/or prosecution authorized or required by law, the following shall be required of the student.

1. Meeting with the drug commissioner (or his/her designee), and parents or legal guardians, and
2. Successful completion of the drug education and/or counseling, that will specifically include in its curriculum education about the health risks and dangers of tobacco, and assistance to students in abstaining from its use, to be held on the school campus of the subject student and conducted by a school-approved drug educator and/or counselor, on a schedule and for a duration of time to be determined by the drug commissioner, and
3. Mandatory drug testing, to be conducted on an individual and repeated basis at the discretion of the drug education and/or counselor (or drug commissioner) throughout the duration of the drug education and/or counseling period and the remaining school year, and
4. Loss of school ground and school sponsored activity parking privileges for a period of twenty (20) consecutive school days.

SEARCH OF LOCKERS AND MOTOR VEHICLES

When individual circumstances in a school dictate it, or for consent searches, automobiles, containers, packages, lockers, or other enclosures used for storage by students or visitors, or other areas accessible to students or visitors, said items, vehicles and areas may be searched in the presence of the drug commissioner or members of the drug commissioner's staff, the principal, or other members of the principal's staff (or designees of any of the aforementioned school officials). Other individual circumstances requiring a search may include incidents on school property, including school buses, involving, but not limited to, the use of tobacco, alcohol, drugs or drug paraphernalia by a student, which are known to the principal or other staff members, information received from law enforcement, juvenile or other authorities indicating a pattern of drug dealing, or tobacco, drug or alcohol use by students of that school, or any other actions or incidents known by the principal which give rise to reasonable suspicion that tobacco, alcohol, drugs or drug paraphernalia are held on school property by one or more students.

To facilitate a search, which is found to be necessary of students, school visitors, containers, or packages, using metal detectors, or any other devices or techniques designed to indicate the presence of weapons, tobacco, alcohol, drugs or drug paraphernalia may be used in searches,

including without limitation hand-held models which are passes over or around a student's or visitor's body and student's and visitor's containers or packages; further, containers and packages may be required to pass through a stationary detector.

USE OF ANIMALS FOR SCHOOL SEARCHES

Dogs or other animals trained to detect drugs, drug paraphernalia, illegal contraband or dangerous weapons, by odor or otherwise, may be used in conducting random checks and/or searches but such animals shall be used only to pinpoint areas needed to be searched and shall not be used to search and/or check the persons of students or visitors. Such searches may also be used on or about all areas and premises of the school property at night, after school and during other hours when students are not present.

MISSION STATEMENT FOR THE STAND PROGRAM

The **MISSION STATEMENT** for the STAND program created by this Policy, which shall serve as the bellweather guide for establishing the circumstances, methods and protocols for the drug testing of students, for the handling of records connected with the drug testing of students, and for the drug education and/or counseling of students, while being a Policy designed for the effective pursuit of the goals recited in the Preambles herein, shall place the following of paramount importance: **To treat students with fundamental fairness, always respecting their privacy, dignity and confidentiality.**

SEVERABILITY; THIS POLICY SUPERCEDES

In the event any definition, term part or provision of this Policy shall be declared invalid or unenforceable by a court of competent jurisdiction, then the entire remainder of this policy shall continue in full legal force and effect. This Policy does not address "zero tolerance" violations, which are addressed in a separate board policy, but does supercede and control over prior Board policies, if any, addressing the search of motor vehicles, lockers and the use of animals for school searches. References in this Policy to both the public school systems in this county is not an attempt of this Board to impose policy upon another school, but is reflective only of the joint cooperative endeavor of the Oneida Special School District and Scott County School System to adopt uniform and compatible drug use Policies that will be effective in pursuit of these goals recited in the Preambles herein.